

FAX 1 571 273 2414

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Gregg Wagner et al.

Serial Number: 09/854,344

Art Unit: 2877

Filed: May 11, 2001

Examiner: Fannie L. Evans

For: HANDHELD, PORTABLE COLOR MEASURING DEVICE WITH DISPLAY

AMENDMENT AFTER FINAL REJECTION

Honorable Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

Responsive to an Office Action Summary dated February 27, 2004 finally
rejecting amended claims 1-20. Please consider the following documents, amendments
to the claims and remarks related to the allowance of the amended claims.

*Enter the
amendment filed
on May 22, 2004*

STATUS OF THE APPLICATION

A request for continued examination of the subject application under 37 CFR
1.114, including the fee, filed on December 18, 2003 has been entered.

The affidavit under 37 CFR 1.132 filed on December 18, 2003 is insufficient to
overcome the rejections of claims 1-20 based on a prior art patent to Wagner et al., U.S.
Patent 6,157,454.

Claims 1, 2, 4, 5, 12, 14-16, 19 and 20 are rejected under 35 U.S.C. 102(e) as
being anticipated by the patent to Wagner et al.